



# California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by Thomson Reuters.*

### TITLE 2. STATE TREASURER'S OFFICE

#### Notice of Intention to Amend Conflict of Interest Code

NOTICE IS HEREBY GIVEN that BILL LOCKYER, the Treasurer of the State of California, pursuant to the authority vested in it by Section 87300 of the Government Code, proposes to amend the conflict of interest code of the Office of the State Treasurer, and of the following State boards, authorities, commissions and committees chaired by the Treasurer:

- Office of the State Treasurer
- California Alternative Energy and Advanced Transportation Financing Authority
- California Debt and Investment Advisory Commission
- California Debt Limit Allocation Committee
- California Educational Facilities Authority
- California Health Facilities Financing Authority
- California Industrial Development Financing Advisory Commission
- California Pollution Control Financing Authority
- California School Finance Authority
- California Urban Waterfront Area Restoration Financing Authority
- Local Agency Investment Advisory Board
- California Tax Credit Allocation Committee
- Pooled Money Investment Board
- ScholarShare Investment Board.

Pursuant to Government Code Sections 87300–87302, the conflict of interest code will designate employees who must disclose certain investments, income, interests in real property and business positions, and who must disqualify themselves from making or participating in the making of governmental decisions affecting those interests. The amendments are proposed to revise and update the list of designated employees, as well as the list of members of the boards, au-

thorities, commissions and committees listed above. The amendments include:

- Addition of designated positions in the State Treasurer's Office.
- Deletion of positions in the State Treasurer's Office.

Copies of the proposed amended code are available and may be requested from the contact person set forth below.

#### WRITTEN COMMENT PERIOD

A written comment period has been established commencing on April 24, 2009, and terminating on June 8, 2009. Any interested person may present written comments concerning the proposed amendments to the conflict of interest code no later than 5:00 p.m. June 8, 2009, to:

State Treasurer's Office  
Attention: Mark Paxson  
915 Capitol Mall, Room 110  
Sacramento, CA 95814

No public hearing on this matter will be held unless any interested person or his or her representative requests a public hearing. Such a request must be submitted no later than May 25, 2009, by contacting the contact person set forth below.

The Treasurer has prepared a written explanation of the reasons for the designations and the disclosure responsibilities and has available all of the information upon which its proposal is based.

#### AGENCY CONTACT

Copies of the proposed amendments to the conflict of interest code and all of the information upon which the amendments are based may be obtained, and any inquiries concerning the proposed amendments should be directed to:

State Treasurer's Office  
Attention: Mark Paxson  
915 Capitol Mall, Room 110  
Sacramento, CA 95814

#### ALTERNATIVES CONSIDERED

The Treasurer must determine that no alternative considered by the Treasurer would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affect private persons than the proposed action.

The State Treasurer has determined that the proposed amended code:

1. Imposes no mandate on local agencies or school districts.
2. Imposes no costs or savings on any state agency.
3. Imposes no costs on any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.
4. Will not result in any nondiscretionary costs or savings to local agencies.
5. Will not result in any costs or savings in federal funding to the state.
6. Will not have any potential cost impact on private persons, businesses or small businesses.

## **TITLE 8. DIVISION OF OCCUPATIONAL SAFETY AND HEALTH**

### **Notice of Proposed Rulemaking**

#### **Proposed Changes to Sections 344.16 (Fee Schedule) and 344.18 (Amusement Ride Fee Schedule)**

#### **NATURE OF PROCEEDING**

NOTICE IS HEREBY GIVEN that the Division of Occupational Safety and Health ("the Division") of the Department of Industrial Relations is proposing to take the action described in the Informative Digest/Policy Statement Overview ("the Proposed Rulemaking"). Any person interested may present statements or arguments orally or in writing relevant to the Proposed Rulemaking at a hearing to be held in the Training Room at 1515 Clay Street, 13<sup>th</sup> Floor in Oakland, California, on June 10, 2009, between 1:30 and 3:30 p.m.

The facilities for the public hearing are accessible to persons with mobility impairments, and other disability accommodations are available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

Written Comment Deadline: Any interested person, or his or her authorized representative, may submit written comments relevant to the Proposed Rulemaking to the contact person mentioned below by 3:30 p.m. on June 10, 2009. Interested persons may submit written or verbal comments at the public hearing. Persons who are unable or who do not wish to attend the public hearing may mail or FAX comments to:

Chris Grossgart, Staff Counsel  
DOSH Legal  
1515 Clay Street, Suite 1901, Oakland, CA 94612  
FAX: (510) 286-7039

The official record of the rulemaking proceeding will be closed at the conclusion of the public hearing. The Division will not consider written comments received after the close of the public hearing unless an extension of time in which to receive written comments is announced at the public hearing.

The Division may thereafter adopt the Proposed Rulemaking substantially as described below or may modify it if such modifications are sufficiently related to the original text. With the exception of technical, grammatical or other non-substantive changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the persons designated in this Notice as contact persons and will be mailed to those persons who submit written or oral testimony related to the Proposed Rulemaking or who request notification of any changes to the Proposed Rulemaking.

#### **AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Sections 60.5, 7923, 7928 and 7929 of the Labor Code, and to implement, interpret or make specific Sections 7920 through 7932 of the Labor Code, and Section 11010 of the Government Code, the Division is considering changes to Division 1 of Title 8 of the California Code of Regulations as follows: Amendment of Chapter 3.2, Section 344.16 to modify fees charged by the Division for audits, inspections, re-inspections and investigations of permanent amusement rides.

Further, pursuant to the authority vested by Sections 60.5, 6308 and 7904 of the Labor Code, and to imple-

ment, interpret or make specific Section 7904 of the Labor Code, and Section 11010 of the Government Code, the Division is considering changes to Division 1 of Title 8 of the California Code of Regulations as follows: Amendment of Chapter 3.2, Section 344.18 to modify fees charged by the Division for audits, inspections, re-inspections and investigations of portable amusement rides.

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Pursuant to Labor Code sections 60.5 and 6308, the Division is charged with the administration and enforcement of the provisions of the California Occupational Safety and Health Act, commencing with Labor Code section 6300, as well as other provisions of law impacting upon the health and safety of employees and the public in the State of California.

As part of its mandate, the Division regulates aspects of the operation, repair and inspection of both permanent amusement rides (rides which are installed in a fixed location, also known as "Permanent ARs") and portable amusement rides (rides which are assembled and disassembled at different sites as part of a traveling attraction, herein referred to as "Portable ARs").

Pursuant to the Amusement Rides Safety Law (Labor Code sections 7900 through 7915), the Division is charged with establishing and administering a state system for the permitting and inspection of Portable ARs. The Division is authorized to collect fees for the inspection of Portable ARs to cover the costs it incurs in having inspections performed by a Division safety engineer. Pursuant to Government Code section 11010, the fees must be sufficient to reimburse the Division's administrative costs in providing its services.

Similarly, pursuant to the Permanent Amusement Ride Safety Inspection Program Law (Labor Code sections 7920 through 7932) the Division is charged with establishing and administering a state system for the inspection of Permanent ARs. The Division is authorized to adopt rules and regulations necessary for the administration of its Permanent AR program, and may fix and collect all fees necessary to cover its costs of administration. (See, also, Government Code section 11010.)

Currently, both the Division's Permanent AR fee schedule (found at Title 8, Section 344.16) and its Portable AR fee schedule (found at Title 8, Section 344.18) are based on a calculated hourly rate of \$125.00 per hour. In other words, when the Division promulgated its existing amusement ride fees, it calculated that it would need to charge \$125 per billed hour of its inspectors' time to fund the administration of its amusement ride

programs. That hourly rate is no longer sufficient to cover the cost of the two programs.

Thus, the purpose of this rulemaking (hereinafter "the Proposed Rulemaking") is to increase the Permanent AR fees and Portable AR fees to a level which will adequately fund those programs. To that end, the Division proposes to make the following amendments:

### Section 344.16: Permanent Amusement Ride Fee Schedule.

The Division proposes to change the title of the section to read "Permanent Amusement Ride Fee Schedule" to differentiate between Section 344.16 and 344.18, and to clarify that Section 344.16 relates to Permanent ARs.

The Division proposes to amend Subsection (d) to reflect a new \$308.00 hourly fee for all work performed in connection with audits, inspections and investigations conducted pursuant to Section 344.8.

The Division also proposes to add the word "reinspections" to the first line of Subsection (d) so that the regulation will correctly reflect the scope of the Division's work. For billing purposes, since the Division charges by the hour, subsection (d) would specify that the actual time charged would begin when the engineer arrives at the work site and would end when the engineer has completed the Division's report and is ready to leave the work site.

### Section 344.18: Portable Amusement Ride Fee Schedule.

First, the Division proposes to change the title of the section to read "Portable Amusement Ride Fee Schedule" to differentiate between Section 344.16 and 344.18, and to clarify that Section 344.18 relates to Portable ARs.

The Division further proposes to amend Section 344.18(a)(1) to reflect the increase in the fee the Division charges for inspections, reinspections, and accident investigations to \$308.00 per hour, or any fraction of an hour. The Division also proposed to add the word "audits" to subsection (a)(1) to correctly reflect the scope of the Division's work. New language would also clarify that the Division will charge for all work preparatory to, or as part of, the audits, inspections, reinspections and accident investigations.

The Division proposes to add language to Subsection (a)(2) to specify that the time the Division bills for an inspection would begin when the inspector arrives in the area where, according to the information the Division has received, the inspection is to occur.

The Proposed Rulemaking would add language to Subsection (a)(3) to allow the Division to charge for the actual time its inspector spends travelling to a designated inspection site and the time spent waiting at a site, if the representative for the portable amusement ride



fails to show up. In cases where the representative shows up late at the site, or is present but not prepared for the inspection at the appointed time, the Division may charge for the inspector's time spent waiting at the site. At the Division's discretion, the inspector may terminate the inspection instead of waiting, and require that a new appointment for inspection be made.

#### LOCAL MANDATE

The Proposed Rulemaking does not impose a mandate on local agencies or school districts.

#### FISCAL IMPACT ESTIMATES

The Proposed Rulemaking does not impose costs on any local agency or school district for which reimbursement would be required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code. The Proposed Rulemaking does not impose other nondiscretionary costs or savings on local agencies. The Proposed Rulemaking does not result in any costs or savings in federal funding to the state.

#### COSTS OR SAVINGS TO STATE AGENCIES

No additional costs or savings to state agencies are anticipated.

#### BUSINESS IMPACT/SMALL BUSINESSES

The Division has determined that the Proposed Rulemaking will not result in a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states. The Proposed Rulemaking would not affect small businesses, as that term is defined in Government Code section 11342.610, since that section specifically excludes entertainment activities such as amusement parks from the definition of "small business".

#### ASSESSMENT REGARDING EFFECT ON JOBS/BUSINESSES

The Division has determined that the Proposed Rulemaking will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACT ON REPRESENTATIVE PERSON OR BUSINESS

Permanent ARs: There are 169 owners/operators of Permanent ARs in California. Each owner/operator controls, on the average, about 12 rides. It takes, also as an average, seven hours to inspect a permanent amusement ride. Since the fee increase would ultimately be \$183 per hour, the representative Permanent AR business would pay approximately \$15,000 more in inspection fees per year. ( $\$183 \text{ increase} \times 7 \text{ hours} \times 12 \text{ rides} = \$15,372$ ). This figure does not include fees for accident inspections (such fees depend on the nature of the accident and therefore the amount of time necessary to conduct an investigation) or the fees for travel to conduct inspections (such fees obviously would vary depending on the location of the rides).

Portable ARs: There are 139 owners/operators of Portable ARs in California. Each owner/operator controls an average of six rides. It takes an average of one to two hours to inspect a portable ride. Since the fee increase would ultimately be \$183 per hour, the representative Portable AR business would pay approximately \$1,100 to \$2,200 more in inspection fees per year. ( $\$183 \text{ increase} \times 1 \text{ hour} \times 6 \text{ rides} = \$1,098$ ;  $\$183 \text{ increase} \times 2 \text{ hours} \times 6 \text{ rides} = \$2,196$ ). These figures do not include fees for accident inspections (such fees depend on the nature of the accident and therefore the amount of time necessary to conduct an investigation) or the fees for travel to conduct inspections (such fees obviously would vary depending on the location of the rides).

#### EFFECT ON HOUSING COSTS

The Proposed Rulemaking will have no effect on housing costs in California.

#### ALTERNATIVES

The Division must determine that no reasonable alternative considered by the agency, or that has otherwise been identified and brought to the agency's attention, would be more effective in carrying out the purpose for which the amendment of these regulations is proposed, or would be as effective as, and less burdensome to, affected private persons than the Proposed Rulemaking.

#### CONTACT PERSONS

Inquiries concerning the Proposed Rulemaking and written comments may be directed to:

Chris Grossgart, Staff Counsel (Primary Contact)  
Michael D. Mason, Chief Counsel  
(Secondary Contact)  
Division of Occupational Safety and Health,  
Legal Unit  
1515 Clay Street, 19<sup>th</sup> Floor  
Oakland, CA 94612  
(510) 286-7348

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Division has prepared an initial statement of reasons for the Proposed Rulemaking and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSED RULEMAKING

Copies of the exact language of the Proposed Rulemaking and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained upon request from the Division of Occupational Safety and Health, 1515 Clay Street, 19<sup>th</sup> Floor, Oakland, CA 94612. These documents may also be viewed and downloaded by going to “DIR Rulemaking — Proposed Regulations” under the category “Division of Occupational Safety and Health” at [www.dir.ca.gov/DIRRulemaking.html](http://www.dir.ca.gov/DIRRulemaking.html).

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the Proposed Rulemaking is based is contained in the rulemaking file which is available for public inspection by contacting the persons named above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named above.

### TITLE 14. SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT

April 6, 2009

#### Notice of Intention to Amend the Conflict of Interest Code Of the San Francisco Bay Conservation And Development Commission

NOTICE IS HEREBY GIVEN that the San Francisco Bay Conservation and Development Commission in-

tends to amend its conflict-of-interest code pursuant to Government Code Section 87306. Pursuant to Government Code Section 87302, the code designates employee positions that must disclose certain economic interests and avoid participating in the making of governmental decisions affecting those interests. The amendments add no new positions to the code. They make no changes to disclosure categories and do not delete any positions.

The Commission has established a written comment period that opens on April 24, 2009 and closes at 5 p.m. on June 15, 2009. Any interested person may present written comments concerning the proposed code no later than June 15, 2009, to the contact person listed below at:

San Francisco Bay Conservation and  
Development Commission  
50 California Street, Suite 2600  
San Francisco, CA 94111

or at the conclusion of the public hearing, if any, whichever comes later. No public hearing on this matter will be held unless an interested person or his or her representative requests a public hearing. The request must be made no later than May 31, 2009 (no later than 15 days prior to the close of the written comment period).

The San Francisco Bay Conservation and Development Commission has prepared and made available the proposed amendments to the code and a written explanation of the reasons for the designations and has available all of the information upon which its proposal is based. Copies of the proposed amendments, the written explanation of the reasons, and the information on which the amendments are based may be obtained by contacting the contact person listed below.

The adoption of the proposed amendment will not impose a cost or savings on any state agency, local agency or school district that is required to be reimbursed under Part 7 (commencing with section 17500) of Division 4 of the Government Code. The adoption will also not result in any cost or savings in federal funding to the state. The amendment will not impose a mandate on local agencies or school districts. It will also not have any potential cost impact on private persons or businesses including small businesses.

The San Francisco Bay Conservation and Development Commission has determined that no alternative considered by the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected persons than the proposed action.

**Contact Person.** All inquires concerning the proposed amendments and any communication required by this notices should be directed to should be directed

to John Bowers at 415-352-3610 or [Johnb@cdcr.ca.gov](mailto:Johnb@cdcr.ca.gov), or at the address listed above.

## TITLE 15. DEPARTMENT OF CORRECTIONS AND REHABILITATION

### NOTICE OF REGULATIONS

#### California Code of Regulations Title 15, Crime Prevention and Corrections Department of Corrections and Rehabilitation

**NOTICE IS HEREBY GIVEN** that the Secretary of the Department of Corrections and Rehabilitation (CDCR), pursuant to the authority granted by Government Code Section 12838.5 and Penal Code (PC) Section 5058, and the rulemaking authority granted by PC Sections 5058.3, in order to implement, interpret and make specific PC Sections 5054, proposes to amend Sections 3287 and 3290 of the California Code of Regulations (CCR), Title 15 concerning Reasonable Suspicion Standard for Inmate Searches.

### PUBLIC HEARING

Date and Time: **June 16, 2009, from 10:00 a.m.–11:00 a.m.**

Place: Office of Training & Professional Development  
10000 Goethe Road  
Pilot Hill Conference Room  
(Room 118)  
Sacramento, CA 95827

Purpose: To receive comments about this action.

### PUBLIC COMMENT PERIOD

The public comment period will close 5:00 p.m. on June 16, 2009. Any person may submit public comments in writing (by mail, by fax or by e-mail) regarding the proposed changes. To be considered by the Department, comments must be submitted to the Department of Corrections and Rehabilitation, Regulation and Policy Management Branch, P.O. Box 942883, Sacramento, CA 94283-0001; by fax at (916) 255-5601; or by e-mail at [RPMB@cdcr.ca.gov](mailto:RPMB@cdcr.ca.gov) before the close of the comment period.

### CONTACT PERSON

Please direct any inquiries regarding this action to:

**Timothy M. Lockwood, Chief**  
**Regulation and Policy Management Branch**  
**Department of Corrections and Rehabilitation**  
**P.O. Box 942883, Sacramento, CA 94283-0001**  
**Telephone (916) 255-5477**

In the event the contact person is unavailable, inquiries should be directed to the following back-up person:

**Fernando Azevedo**  
**Correctional Lieutenant**  
**Regulation and Policy Management Branch**  
**Telephone (916) 255-5350**

Questions regarding the substance of the proposed regulatory action should be directed to:

**Joe Moss**  
**Associate Warden**  
**Division of Adult Institution, General Population**  
**Levels III and IV**  
**Telephone (916) 323-3578**

### LOCAL MANDATES

This action imposes no mandates on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code Section 17500-17630.

### FISCAL IMPACT STATEMENT

- Cost to any local agency or school district that is required to be reimbursed: *None*
- Cost or savings to any state agency: *None*
- Other nondiscretionary cost or savings imposed on local agencies: *None*
- Cost or savings in federal funding to the state: *None*

### EFFECT ON HOUSING COSTS

The Department has made an initial determination that the proposed action will have no significant effect on housing costs.

### COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

The Department is not aware of any cost impacts that a representative private person or business would nec-



essarily incur in reasonable compliance with the proposed action.

#### SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The Department has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

#### EFFECT ON SMALL BUSINESSES

The Department has determined that the proposed regulations may not affect small businesses. It is determined that this action has no significant adverse economic impact on small business because they are not affected by the internal management of state prisons.

#### ASSESSMENTS OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The Department has determined that the proposed regulation will have no effect on the creation of new, or the elimination of existing jobs or businesses within California, or affect the expansion of businesses currently doing business in California.

#### CONSIDERATION OF ALTERNATIVES

The Department must determine that no reasonable alternative considered by the Department, or that has otherwise been identified and brought to the attention of the Department, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons, than the proposed regulatory action.

#### AVAILABILITY OF PROPOSED TEXT AND INITIAL STATEMENT OF REASONS

The Department has prepared and will make available the text and the Initial Statement of Reasons (ISOR) of the proposed regulations. The rulemaking file for this regulatory action, which contains those items and all information on which the proposal is based (i.e., rulemaking file) is available to the public upon request directed to the Department's contact person. The proposed text, ISOR, and Notice of Proposed Action will also be made available on the Department's website <http://www.cdcr.ca.gov>.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons may be obtained from the Department's contact person.

#### AVAILABILITY OF CHANGES TO PROPOSED TEXT

After considering all timely and relevant comments received, the Department may adopt the proposed regulations substantially as described in this Notice. If the Department makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Department adopts the regulations as revised. Requests for copies of any modified regulation text should be directed to the contact person indicated in this Notice. The Department will accept written comments on the modified regulations for 15 days after the date on which they are made available.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Penal Code (PC) Section 5000 provides that commencing July 1, 2005, any reference to the Department of Corrections in this or any code, refers to the CDCR, Division of Adult Operations.

PC Section 5050 provides that commencing July 1, 2005, any reference to the Director of Corrections, in this or any other code, refers to the Secretary of the CDCR. As of that date, the office of the Director of Corrections is abolished.

PC Section 5054 provides that commencing July 1, 2005, the supervision, management and control of the state prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein are vested in the Secretary of the CDCR.

PC Section 5058.3 authorizes the Director to adopt, amend, or repeal emergency regulations conducted pursuant to Government Code Section 11340. This regulatory action:

- These actions amend provisions governing the standards for searches and inspections within the California Department of Corrections and Rehabilitation (Department). CCR, Title 15, sections 3287 and 3290 are being amended to adopt a reasonable suspicion standard for searches.

- These regulations are necessary based on the need to change the search standard from ‘substantial reason’ and ‘reasonable cause’ to ‘reasonable suspicion’ in order to conform with proper legal standards for cell, property and body inspections and standard correctional practice across the United States. This will assist department staff to take action when custody staff reasonably suspects inmates may have unauthorized or dangerous items and substances.
- The change in search standard aligns the Department with the search standard of other States and the Federal Bureau of Prisons. The Department asserts that a ‘reasonable suspicion’ standard is based on articulable facts, circumstances and rational inferences which lead a reasonable and trained officer to believe a person has committed, is committing, or is about to commit a crime. Police officers on the street may utilize reasonable suspicion to conduct a pat-search on a suspect they believe has committed, is committing, or is about to commit a crime as held in the Supreme Court Decision Terry vs. Ohio (1968) 392 U.S. 1, 88 S.Ct.1868.
- Will have a positive impact on inmates and staff by insuring the fair and consistent application of searches. These changes will also further the safety of all persons and the legitimate penological interests of the institutions.
- Will amend the current CCR with language which has been written for clarity and clear reference by staff, inmates, and the public in general.

## **GENERAL PUBLIC INTEREST**

### **TITLE 2. DEPARTMENT OF FAIR EMPLOYMENT AND HOUSING**

NOTICE IS HEREBY GIVEN that the prospective contractors listed below have been required to submit a Nondiscrimination Program (NDP) or a California Employer Identification Report (CEIR) to the Department of Fair Employment and Housing, in accordance with the provisions of Government Code Section 12990. No such program or (CEIR) has been submitted and the prospective contractors are ineligible to enter into State contracts. The prospective contractor’s signature on Standard Form 17A, 17B, or 19, therefore, does not constitute a valid self-certification. Until further no-

tice, each of these prospective contractors in order to submit a responsive bid must present evidence that its Nondiscrimination Program has been certified by the Department.

ASIX Communications, Inc.  
DBA ASI Telesystems, Inc.  
21150 Califa Street  
Woodland Hills, CA 91367

Bay Recycling  
800 77th Avenue  
Oakland, CA 94621

C & C Disposal Service  
P.O. Box 234  
Rocklin, CA 95677

Choi Engineering Corp.  
286 Greenhouse  
Marketplace, Suite 329  
San Leandro, CA 94579

Fries Landscaping  
25421 Clough  
Escalon, CA 95320

Marinda Moving, Inc.  
8010 Betty Lou Drive  
Sacramento, CA 95828

MI-LOR Corporation  
P.O. Box 60  
Leominster, MA 01453

Peoples Ridesharing  
323 Fremont Street  
San Francisco, CA 94105

San Diego Physicians & Surgeons Hospital  
446 26th Street  
San Diego, CA

Southern CA Chemicals  
8851 Dice Road  
Santa Fe Springs, CA 90670

Tanemura and Antle Co.  
1400 Schilling Place  
Salinas, CA 93912

Turtle Building Maintenance Co.  
8132 Darien Circle  
Sacramento, CA 95828

Univ Research Foundation  
8422 La Jolla Shore Dr.  
La Jolla, CA 92037

Vandergoot Equipment Co.  
P.O. Box 925  
Middletown, CA 95461

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication April 24, 2009  
CESA CONSISTENCY DETERMINATION  
REQUEST FOR  
Palermo-Colgate-Rio Oso 230 kV  
Transmission Line Project  
Butte, Sutter, and Yuba Counties  
2080-2009-002-02

The Department of Fish and Game (Department) received a notice on April 24, 2009, that the Pacific Gas and Electric Company (PG&E) proposes to rely on a consultation between federal agencies to carry out a project that may adversely affect species protected by the California Endangered Species Act (CESA). The proposed project would modify existing 230 kV transmission line facilities — which consist of aluminum conductor line supported by steel lattice towers — between the Palermo Junction in Butte County, the Colgate Powerhouse in Yuba County, and the Rio Oso Substation in Sutter County (Project). The Project would raise 81 existing towers and install new conductor line capable of transmitting electrical current in high temperatures during peak demand with less expansion and sagging than the existing conductor.

Project activities will result in temporary impacts to approximately 13.939 acres of habitat suitable for giant garter snake (*Thamnophis Gigas*). The installation of guard structures at public roadways (to protect motorists in case the conductor sags) could cause such impacts as minor temporary modifications of habitat, disturbances associated with construction intrusion, and potential direct loss of individual snakes due to excavation or equipment/vehicle operation. Use of unimproved overland access routes to towers and worksites, within close proximity of permanent waters, has the potential to disturb foraging and aestivating snakes, and may result in the loss of individual snakes. The establishment and use of temporary pull sites for installing conductor line on the modified towers, during the months when snakes are active, may also result in impacts to giant garter snake.

The U.S. Fish and Wildlife Service (Service) issued a “no jeopardy” federal biological opinion (81420-2008-F-1799-1)(BO) and incidental take statement (ITS) to the U.S. Army Corps of Engineers (Corps) on March 31, 2009 which considered the effects of the project on the Federally threatened and State threatened giant garter snake. Pursuant to California Fish and Game Code Section 2080.1, PG&E is requesting a determination that the BO and ITS are consistent with

CESA for purposes of the proposed Project. If the Department determines the BO and ITS are consistent with CESA for the proposed Project, PG&E will not be required to obtain an incidental take permit under Fish and Game Code section 2081 for the Project.

## DEPARTMENT OF FISH AND GAME

### Department of Fish and Game — Public Interest Notice

For Publication April 24, 2009  
PROPOSED RESEARCH ON  
FULLY PROTECTED SPECIES

### **Conducting Disease Investigations on Ringtails (*Bassariscus astutus*)**

The Department of Fish and Game (“Department”) received a proposal from Richard N. Brown, PhD, DVM, requesting authorization to take the ringtail (“ring-tailed cat”) (*Bassariscus astutus*), a Fully Protected Mammal, for research purposes, consistent with the protection and recovery of the species. Dr. Brown is faculty member in the Department of Wildlife at Humboldt State University, Arcata, CA, and he serves as a researcher and board member for Integral Ecology Research Center, Bayside, CA.

Dr. Brown has applied for renewal of a required Scientific Collecting Permit (SCP) to take ringtails in order to study their diseases, as well as diseases of other carnivores. Permit conditions require that the holder of an SCP obtain special authorization from the Department for research on Fully Protected species. The proposed activities include the following, to be conducted from 2009-2014: 1) capture ringtails via baited wire-mesh live-traps equipped with a wooden tubby box at the rear to provide protection and cover for the animal; 2) short-term immobilization by intramuscular injection; 3) brief physical exam including measurement of standard body dimensions and evaluation of dentition to estimate age-class; 4) removal of a first-upper premolar to definitively determine age; 4) insertion of a small passive integrated transponder identification (PIT tags as used for pets); 5) fecal scoops for endoparasite analysis; 6) collection of ectoparasites; and 7) collection of blood samples via venapuncture of femoral, jugular, or other prominent veins. After processing and recovery, ringtails will be released unharmed at the site of capture. They may also be recaptured at quarterly or longer intervals in order to gather additional data for seasonal influence of diseases. Animals recaptured will be released unharmed at the capture site after processing and recovery.

The research will occur in Del Norte, Humboldt, Trinity, Siskiyou, Lassen and Plumas counties of California, and will continue through 2014.

The Department intends to issue, under specified conditions, a letter permit that would authorize the applicant, as Principal Investigator, to carry out the proposed activities. This permit would be similar to previous permits and MOUs entered into between other ringtail researchers and the Department.

Pursuant to California Fish and Game Code (FGC) Section 4700(a)(1), the Department may authorize take of Fully Protected Mammals after 30 days notice has been provided to affected and interested parties through publication of this notice. If the Department determines that the proposed research is consistent with the requirements of FGC Section 4700 for take of Fully Protected Mammals, it would issue the authorization on or after May 26, 2009, for a term of 6 years. Contact: Department of Fish and Game, Wildlife Branch, Nongame Wildlife Program, 1812 Ninth Street, Sacramento, CA 95811, Attn: Esther Burkett.

## DEPARTMENT OF TOXIC SUBSTANCES CONTROL

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY DEPARTMENT OF TOXIC SUBSTANCES CONTROL

#### NOTICE TO INTERESTED PARTIES

#### DTSC SEEKS JUDICIAL APPROVAL OF SETTLEMENT AGREEMENT WITH MALCOLM AND ABBY FIELD REGARDING THE HARD CHROME PRODUCTS SITE LOCATED AT 617 EAST 56<sup>th</sup> STREET, LOS ANGELES, CALIFORNIA

The Department of Toxic Substances Control (“DTSC”) has agreed to enter into a Consent Decree with Malcolm and Abby Field (“the Fields”) regarding the Hard Chrome Products Site (the “Site”) located at 617 East 56<sup>th</sup> Street, in the City of Los Angeles.

**Site History.** From 1943 until 1991, electroplating operations were conducted on the Site. The Fields owned the Site from 1973 to 1977. During the plating operations at the Site, hazardous substances, including chromium and hexavalent chromium were used and/or disposed of at the Site. DTSC alleges that plating operations at the Site resulted in releases of hazardous substances at the Site. The soil and groundwater beneath the Site is contaminated with elevated levels of chromium, hexavalent chromium, and Trichloroethylene (TCE).

**Enforcement Activities and Cleanup Work Completed by DTSC.** In March 1997, DTSC issued an Im-

minent and Substantial Endangerment Order (“I&SE Order”) requiring the Hard Chrome responsible parties (“RPs”), including Malcolm Field, to prepare a Remedial Investigation/Feasibility Study (RI/FS). The RPs did not comply with the I&SE Order. DTSC requested that the current property owner and other RPs conduct an RI/FS, however, they claimed they did not have the funds necessary to complete the RI/FS and conduct a satisfactory cleanup. In 2002, DTSC obtained State funds to complete the RI/FS and Baseline Human Health Risk Assessment for the Site. Additionally, State funding was obtained in 2003 to complete the RI, a Treatability Study, and a Remedial Action Plan (“RAP”) for the Site. DTSC filed a complaint against Mr. Field and the other RPs.

**The Consent Decree.** The Consent Decree requires that the Fields pay DTSC \$150,000 which represents a portion of the past costs that DTSC has incurred at the Site. In return, the Fields will receive a covenant not to sue from DTSC and contribution protection as provided by federal law from certain claims by other liable parties. The Fields do not admit liability. DTSC reserves a number of rights, including, *inter alia*, its right to seek recovery of its unpaid past and future costs from third parties.

**Entry of the Decree.** DTSC intends to lodge the Consent Decree with the United States District Court for the Central District of California. After a 30-day public comment period ends and DTSC prepares responses to any comments received, the Attorney General’s office will make a motion for judicial approval of the Consent Decree, pursuant to 42 U.S.C. § 9613(f)(2).

**Obtaining Copies of the Decree.** Interested parties may obtain a copy of the Consent Decree by contacting Mr. Tedd Yargeau at (818) 717-6545.

**Comments on the Decree.** DTSC invites any interested persons to submit comments on the Consent Decree. Comments must be **received by DTSC on or before May 26, 2009**. The comments should reference the Site name and be directed to:

Mr. Tedd Yargeau  
Department of Toxic Substances Control  
9211 Oakdale Avenue  
Chatsworth, California 91311

DTSC’s responses to any timely comments will be available for inspection at DTSC’s office in Chatsworth, California.

Further information regarding this matter may be obtained by contacting either: Deputy Attorney General Sarah Morrison at (213) 897-2640, or DTSC Staff Counsel Robert Elliott at (916) 327-6105.



## CALIFORNIA FISH AND GAME COMMISSION

### NOTICE OF FINDING

NOTICE IS HEREBY GIVEN that the California Fish and Game Commission, at its March 4, 2009, meeting in Woodland:

(1) voided and set aside its August 7, 2008, decision rejecting the petition filed by the Center for Biological Diversity to list the Pacific fisher (*Martes pennanti*) as a threatened or endangered species under the California Endangered Species Act, Fish and Game Code section 2074.2, subdivision (a)(1); and

(2) accepted the petition filed by the Center for Biological Diversity to list the Pacific fisher (*Martes pennanti*) as an endangered or threatened species, and designated the Pacific fisher as a candidate species.

NOTICE IS ALSO GIVEN that, at its April 8, 2009, meeting in Lodi, the Commission adopted the following formal finding pursuant to Fish and Game Code section 2074.2, subdivision (a)(2):

The Commission has considered the petition to list the Pacific fisher (*Martes pennanti*) as endangered or threatened, the Department of Fish and Game's evaluation report, and all oral and written comments received in this matter. The Commission has determined that a reasonable person would conclude that there is a substantial possibility that listing could occur. Thus, the Commission finds that the petition provides sufficient information to indicate that the petitioned action may be warranted.

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health  
Hazard Assessment  
Notice to Interested Parties

April 24, 2009

### ANNOUNCEMENT OF THE SECOND COMMENT PERIOD FOR THE PROPOSED PUBLIC HEALTH GOAL FOR BROMATE IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is announcing the availability of a draft technical support document for the proposed Public Health Goal (PHG) for bromate in drinking water.

The draft document on bromate represents an original risk assessment on this drinking water contaminant. OEHHA is soliciting comments on this draft report during a 30-day comment period. The Office previously offered a 45-day public comment period on this chemical beginning July 24, 2008, and held a public workshop to discuss it on September 11, 2008. This 30-day public comment period is the second and final request for public input. Written comments must be received at the OEHHA address below by 5:00 p.m. on May 28, 2009 to be considered for the final revision of the document. OEHHA follows the requirements set forth in Health and Safety Code Sections 57003(a) and 116365 for conducting the workshop and receiving public input.

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3200 or the address below.

Michael Baes (mbaes@oehha.ca.gov)  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612  
Attn: PHG project.

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

California Environmental Protection Agency  
Office of Environmental Health  
Hazard Assessment  
Notice to Interested Parties

April 24, 2009

### ANNOUNCEMENT OF PUBLICATION OF THE FINAL PUBLIC HEALTH GOALS FOR LEAD, OXAMYL AND PENTACHLOROPHENOL IN DRINKING WATER

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental

<sup>1</sup> Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup> Health and Safety Code section 116365(c)

<sup>3</sup> Health and Safety Code section 116365(a) and (b)



Protection Agency announces the availability of the final technical support documents for the Public Health Goals (PHGs) for lead, oxamyl and pentachlorophenol in drinking water. The first draft of the oxamyl document was posted on the OEHHA Web site ([www.oehha.ca.gov](http://www.oehha.ca.gov)) on May 30, 2008 and a one-day public workshop was held on July 15, 2008 to discuss it. The first drafts of the lead and pentachlorophenol documents were posted on the OEHHA Web site on July 24, 2008 and a one-day public workshop was held on September 11, 2008 to discuss it. OEHHA follows the requirements set forth in Health and Safety Code, Sections 57003(a) and 116365, for conducting the workshop and obtaining public input. A second draft of all three PHG documents was posted on the OEHHA Web site on February 6, 2009 for a 30-day public review and scientific comment period. No comments were received on these documents after either posting. OEHHA has now finalized the three documents after minor technical updates and is posting them on the OEHHA Web site ([www.oehha.ca.gov/water/phg/index.html](http://www.oehha.ca.gov/water/phg/index.html)).

The PHG technical support documents provide information on the health effects of contaminants in drinking water. The PHG is a level of drinking water contaminant at which adverse health effects are not expected to occur from a lifetime of exposure. The California Safe Drinking Water Act of 1996<sup>1</sup> requires OEHHA to develop PHGs based exclusively on public health considerations.<sup>2</sup> PHGs published by OEHHA are considered by the California Department of Public Health in setting drinking water standards (Maximum Contaminant Levels, or MCLs).<sup>3</sup>

If you would like to receive further information on this announcement or have questions, please contact our office at (510) 622-3170 or the address below.

Michael Baes ([mbaes@oehha.ca.gov](mailto:mbaes@oehha.ca.gov))  
Pesticide and Environmental Toxicology Branch  
Office of Environmental Health Hazard Assessment  
California Environmental Protection Agency  
1515 Clay St., 16th floor  
Oakland, California 94612  
Attention: PHG Project

<sup>1</sup> Codified at Health and Safety Code, section 116270 et seq.

<sup>2</sup> Health and Safety Code section 116365(c)

<sup>3</sup> Health and Safety Code section 116365(a) and (b)

## PROPOSITION 65

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

### NOTICE OF INTENT TO LIST 4-METHYLMIDAZOLE EXTENSION OF PUBLIC COMMENT PERIOD April 24, 2009

*[Posted on OEHHA web site on April 14, 2009]*

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65 or the Act), which is codified as Health and Safety Code section 25249.5 et seq., requires the Governor to publish, and update at least annually, a list of chemicals known to the State to cause cancer or reproductive toxicity. The Act describes the mechanisms for administratively listing chemicals as known to the State to cause cancer or reproductive toxicity (Health and Safety Code section 25249.8).

On March 13, 2009, OEHHA published a notice in the *California Regulatory Notice Register* (Register 09, No. 11-Z) soliciting information which may be relevant to the evaluation of 4-methylimidazole under consideration for possible listing within the context of the Proposition 65 administrative listing regulatory criteria in Title 27 of the California Code of Regulations section 25306 (formerly Title 22 of the California Code of Regulations section 12306.)

The publication of the notice initiated a 30-day public comment period which would have closed on April 13, 2009. OEHHA has received a request from an interested party seeking an extension of the comment period to allow for the submission of complete and relevant scientific information for 4-methylimidazole. **OEHHA hereby extends the public comment period for 4-methylimidazole to 5 p.m., Friday, May 29, 2009.**

Written comments on *4-methylimidazole*, along with supporting information, may be submitted to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
Street Address: 1001 I Street  
Sacramento, California 95814  
Mailing Address: P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900  
E-mail to: [coshita@oehha.ca.gov](mailto:coshita@oehha.ca.gov)

**Comments may also be delivered in person or by courier to the above address. It is requested that hard-copy comments be submitted in triplicate. In order to be considered, comments must be received at OEHHHA by 5 p.m., Friday, May 29, 2009.**

## DECISION NOT TO PROCEED

### CALIFORNIA DEPARTMENT OF CONSERVATION

#### Notice of Decision Not to Proceed

Pursuant to Government Code Section 11347, the California Department of Conservation, Division of Oil, Gas and Geothermal Resources hereby gives notice that it has decided not to proceed with Articles 1-8 of Subchapter 4, Chapter 4, Division 2 of Title 14, Sections 1900-1988 (Notice File No. Z2008-1209-05) as published in the California Regulatory Notice Register on December 19, 2008. Any interested person with questions concerning this rulemaking should contact Michael Woods at (760) 353-9900 or by e-mail at: [mwoods@consrv.ca.gov](mailto:mwoods@consrv.ca.gov).

## DISAPPROVAL DECISION

### DEPARTMENT OF REHABILITATION

#### STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

In re:

DEPARTMENT OF REHABILITATION

REGULATORY ACTION:  
Title 9, California Code of  
Regulations

ADOPT SECTIONS 7213.4, 7213.5, 7213.6, 7214.1, 7214.2, 7214.3, 7214.4, 7214.6, 7214.8, 7215.1, 7216.1, 7216.2, 7220.3, 7220.5, AND 7220.7

AMEND SECTIONS 7213, 7213.1, 7213.2, 7213.3, 7214, 7215, 7216, 7218, 7220, 7221, 7224, 7225, 7226, 7226.1, 7226.2, 7227, 7227.1, AND 7227.2

REPEAL SECTION 7219

DECISION OF DISAPPROVAL  
OF REGULATORY ACTION  
(Gov. Code, sec. 11349.3)

OAL File No. 2009-0227-01S

### SUMMARY OF REGULATORY ACTION

The Department of Rehabilitation (Department) by this regulatory action sought to amend title 9, California Code of Regulations, concerning the Business Enterprises Program for the Blind. Specifically, this regulatory action would have amended existing regulations concerning licensing, establishment and operation of vending facilities, collection of vending machine income, the State Committee of Blind Vendors, administrative review, and full evidentiary hearing procedures, and would have adopted new regulations on interim vending facilities.

### DECISION

On April 10, 2009, the Office of Administrative Law (OAL) disapproved the above referenced regulatory action for the following reasons: failure to comply with the consistency, clarity, and necessity standards of Government Code section 11349.1 and failure to include documents incorporated by reference and relied upon as required by section 20(b) of title 1 of the California Code of Regulations and sections 11343 and 11347.3(b)(7) of the Government Code.

Date: April 15, 2009

CRAIG S. TARPENNING  
Senior Staff Counsel  
for: SUSAN LAPSLEY  
Director

Original: Anthony P. Sauer, Director  
cc: Lisa Niegler, Senior Staff Counsel

## SUMMARY OF REGULATORY ACTIONS

### REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

File# 2009-0225-01  
DEPARTMENT OF CONSERVATION  
Beverage Manufacturer and Distributor Regulations

The Department of Conservation (Department) amends section 2245 and 2320 of Title 14 of the California Code of Regulations to allow beverage manufacturers and distributors to submit a required report and make necessary payments to the Department separately. Currently the regulations require both the payment and report to be made simultaneously. With the implementation of a new internal management system, the Department can now accept and track the items separately.

Title 14  
California Code of Regulations  
AMEND: 2245, 2320  
Filed 04/08/2009  
Effective 05/08/2009  
Agency Contact: Karen Denz (916) 322-1899

File# 2009-0407-01  
DEPARTMENT OF FOOD AND AGRICULTURE  
Light Brown Apple Moth Eradication Area

This emergency regulatory action adds Yolo County as an area of eradication for the light brown apple moth ("Epiphyas postvittana") due to a recent detection (trapping) of the pest in the county. Yolo County is added to the list of 15 other counties that have also been proclaimed as eradication areas with respect to this pest.

Title 3  
California Code of Regulations  
AMEND: 3591.20(a)  
Filed 04/09/2009  
Effective 04/09/2009  
Agency Contact:  
Stephen S. Brown (916) 654-1017

File# 2009-0319-02  
OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD  
Recordkeeping

The Occupational Safety and Health Standards Board is making an editorial correction by removing a duplicate entry found in Appendix A following Section 5100, Title 8, California Code of Regulations.

Title 8  
California Code of Regulations  
AMEND: Appendix A following Section 5100  
Filed 04/14/2009  
Agency Contact: Marley Hart (916) 274-5721

File# 2009-0403-05  
SECRETARY OF STATE  
Post Election Manual Tally Requirements in  
Close Contests

This emergency rulemaking readopts the post election manual tally requirements in close contests, pursuant to County of San Diego v. Debra Bowen (2008) 166 Cal.App.4th 501. It requires that in election contests where the margin of victory is less than half of one percent (0.5%) a manual tally of the precincts of the contested race be conducted in addition to that already required by Elections Code section 15360.

Title 2  
California Code of Regulations  
AMEND: 20120, 20121, 20122, 20123, 20124, 20125, 20126, 20127, 20128  
Filed 04/13/2009  
Effective 04/13/2009  
Agency Contact:  
Jennie Bretschneider (916) 653-7244

File# 2009-0330-02  
STATE ALLOCATION BOARD  
Leroy F. Greene School Facilities Act of 1998; Inactive  
Apports

On December 17, 2008, the State's Pooled Money Investment Board took action to temporarily halt disbursing cash from the State's Pooled Money Investment Account (PMIA) for capital projects, including school construction projects because of the State's financial situation. The Office of Public School Construction (OPSC) utilizes cash from the PMIA to release State funds for school construction projects that have been approved by the State Allocation Board (SAB). Until further notice the OPSC will be unable to release State funds for approved school construction projects. This emergency regulatory action will allow the SAB to make a finding that certain apportionments are "inactive" to relieve school districts from meeting the 18-month time limit for the release of their SAB-ap-

proved apportionments as stipulated in Education Code section 17076.10(d). When State financing again becomes available for bond-funded projects, the 18-month time limit will resume and school districts will be able to move forward with their projects. This emergency regulatory action includes the definition for the term “Inactive Apportionment” and the criteria to be met in order for SAB to make a finding that an apportionment is “inactive.”

**Title 2**

California Code of Regulations

ADOPT: 1859.96 AMEND: 1859.2, 1859.90

Filed 04/09/2009

Effective 04/09/2009

Agency Contact: Lisa Jones (916) 322-1043

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN November 12, 2008 TO  
April 15, 2009**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulations titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

01/20/09 AMEND: 260

01/20/09 AMEND: Appendix A, Std. Form 400

**Title 2**

03/05/09 AMEND: 18704

02/17/09 AMEND: 51.3

02/02/09 AMEND: 18402, 18450.3

01/30/09 ADOPT: 18427.5

01/30/09 ADOPT: 18421.8, 18521.5 AMEND: 18401

01/27/09 AMEND: 2294

01/26/09 AMEND: 1859.104.1

01/21/09 ADOPT: 1859.184.1 AMEND: 1859.2, 1859.103, 1859.184

01/12/09 AMEND: div. 8, ch. 24, secs. 45100, 45127, 45128

01/08/09 ADOPT: 18420.1

01/08/09 ADOPT: 18944.3 AMEND: 18944.1

12/30/08 AMEND: 714

12/29/08 ADOPT: 2298

12/15/08 AMEND: 17463, 17470, 17519

12/09/08 ADOPT: 25100

12/08/08 AMEND: 1700

**Title 3**

03/30/09 AMEND: 3434(b)

03/25/09 AMEND: 6860

03/23/09 AMEND: 3423(b)

03/19/09 ADOPT: 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1222.1, 1222.4, 1209, 1209.1, 1245.1, 1245.2, 1245.3, 1245.4, 1260.2, 1269, 1269.1, 1269.2, 1271 AMEND: 1200, 1201, 1202, 1204, 1205, 1206, 1207, 1208, 1222, 1223, 1223.1, 1235, 1236, 1238, 1239, 1240, 1241, 1242, 1243, 1244, 1245, 1245.1, 1245.2, 1245.3, 1245.4, 1245.5, 1245.6, 1245.7, 1245.8, 1245.9, 1245.10, 1245.11, 1245.12, 1245.13, 1245.14, 1245.15, 1245.16, 1246, 1247, 1248, 1249, 1250, 1251, 1252, 1253, 1254, 1255, 1256, 1257, 1258, 1259, 1260, 1260.1, 1261, 1262, 1263, 1264, 1265, 1266, 1267, 1268, 1269, 1270 REPEAL: 1203, 1210, 1211, 1212, 1213, 1214, 1215, 1216, 1217, 1218, 1219, 1220, 1221, 1224, 1225, 1226, 1227, 1228, 1229, 1230, 1231, 1237

03/18/09 AMEND: 3435(b)

03/10/09 AMEND: 3434

03/05/09 AMEND: 3591.20(a)

03/04/09 AMEND: 3435

02/27/09 AMEND: 3434(b)

02/26/09 AMEND: 850

02/19/09 AMEND: 3434(b)

02/13/09 AMEND: 3406(b)

02/10/09 AMEND: 3060.4(a)(1)(C)(1), 3652(k)

02/05/09 AMEND: 3434(b)

02/02/09 AMEND: 3406(b)

01/21/09 ADOPT: 3591.22(a), 3591.22(b), 3591.22(c), 3591.22(d)

01/21/09 ADOPT: 3591.21(a), 3591.21(b), 3591.21(c)

01/20/09 REPEAL: 3664, 3665, 3666, 3667, 3668, 3669

01/14/09 AMEND: 3434(b)

01/13/09 AMEND: 3434(b)

01/12/09 AMEND: 3589(a)

12/30/08 AMEND: 3417(b)

12/18/08 AMEND: 3417(b)

12/18/08 AMEND: 3406(b)

12/16/08 AMEND: 1358(b)

12/12/08 AMEND: 3434(b)

12/10/08 AMEND: 3589

12/04/08 AMEND: 3435(b)

11/26/08 AMEND: 3406(b)



11/20/08	ADOPT: 6400	2874, 2875, 2880, 2882.1, 2890, 2893, 2908, 2910, 2931, 2932, 2933, 2934, 2935, 2946, 2974 REPEAL: 2742
<b>Title 4</b>		
03/23/09	AMEND: 10175, 10176, 10177, 10182, 10185, 10187, 10188, 10189, 10190	03/04/09 AMEND: 3248
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03/10/09	ADOPT: 12388, 12410	
03/05/09	ADOPT: 2066	
03/05/09	ADOPT: 1504.5 AMEND: 1481, 1486	
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01/13/09	ADOPT: 4027, 4027.1, 4027.2, 4027.3, 4027.4, 4027.5	02/18/09 AMEND: 3664, 3732, 3737, 3944, 4186, 4307.1, 4345, 4353, 4354
12/29/08	AMEND: 12482	02/13/09 AMEND: 3336, 3650, 3653
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03/27/09	AMEND: 3001, 3051, 3060, 3061, 3062, 3063, 3064, 3065, 3066, 3067, 3068, 3069, 3070	01/20/09 AMEND: Appendix B following sections 1529, 5208, 8358
03/05/09	AMEND: 80225	01/15/09 AMEND: 2500.7
02/17/09	AMEND: 80413, 80487	01/13/09 ADOPT: 29, 31.1, 31.3, 31.7, 32.6, 36.5, 41.5, 41.6, 41.7, 63, 120, 121, 122, 123, 124 AMEND: 1, 10, 11, 11.5, 12, 13, 14, 15, 16, 17, 18, 19, 20, 30, 30.5, 31, 31.5, 32, 33, 34, 35, 35.5, 36, 38, 39, 39.5, 40, 41, 43, 44, 45, 46, 46.1, 47, 49, 49.2, 49.4, 49.6, 49.8, 49.9, 50, 51, 52, 54, 55, 56, 57,
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01/20/09	ADOPT: 9517.1	
01/05/09	AMEND: 80004	
12/09/08	ADOPT: 18131.1 AMEND: 18131	
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12/22/08	ADOPT: 16404, 16430, 16435.5 AMEND: 16421, 16422, 16423, 16424, 16425, 16426, 16427, 16428, 16429, 16431, 16432, 16434, 16435, 16436, 16437, 16439	<b>Title 9</b> 02/06/09 ADOPT: 4000, 4005 01/07/09 AMEND: 7400 11/18/08 ADOPT: 9550
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11/17/08	ADOPT: 10116, 10116.1, 10116.2, 10116.3, 10116.5, 10116.6, 10116.7, 10116.8 AMEND: 10123.1 renumbered to 10116.4, 10001 renumbered to 10116.9, 10002 renumbered to 10117, 10003 renumbered to 10118, 10004 renumbered to 10119, 10005 renumbered to 10120, 10123, 10127, 10127.1, 10128, 10133.13, 10133.14, 10133.16, 10133.22, 10133.53, 10133.54, 10133.55, 10133.56, 10133.57, 10133.58 REPEAL: 10133.3, 10133.50	03/23/09 AMEND: 2498.6 02/26/09 AMEND: 2699.6805 02/23/09 AMEND: 2318.6, 2353.1 02/23/09 AMEND: 2498.6 02/19/09 AMEND: 5000, 5110, 5111, 5112, 5113, 5114, 5116, 5117 REPEAL: 5119
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01/28/09	AMEND: 950.2	66273.87,	66273.88,	66273.89, and
01/28/09	ADOPT: 1832.5	66273.90	Articles Affected: Amend	
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12/26/08	ADOPT: 100501	old article 4 to article 5; Renumberold		
12/02/08	ADOPT: 95100, 95101, 95102, 95103,	article 5 to article 6; Repeal old article 6;		
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02/05/09	AMEND: 1620	41610, 41611, 41670, 41671, 41672,		
01/02/09	AMEND: 1702.5	41700, 41800, 41811, 41815, 41819,		
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03/03/09	ADOPT: 63000.48, 63051, 63052	42140, 42160, 42180, 42305, 42320,		
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01/05/09	ADOPT: 3006	01/05/09	AMEND: 27000
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